

PROB12C
(07/93)

UNITED STATES DISTRICT COURT
for
Western District of Wisconsin
SUPPLEMENTAL PETITION FOR SUMMONS FOR OFFENDER UNDER SUPERVISION

Name of Offender: Joshua Van Haften
Janesville, Wisconsin

Case Number: 15-cr-37-jdp-1

Name of Judicial Officer: Honorable James D. Peterson

Sentencing Date: February 17, 2017

Offense: Providing Material Support to a Foreign Terrorist Organization, in violation of 18 U.S.C. § 2339B(a)(1), a Class C felony

Sentence: 120 months' imprisonment; life term of supervised release

Type of Supervision: Supervised release

Date Supervision Commenced: May 18, 2023

U.S. Attorney: Timothy O'Shea

Defense Attorney: Joseph Bugni

COURT HISTORY

On October 27, 2023, the Court ordered a summons be issued for Mr. Van Haften to appear for a judicial review after reviewing the *Petition for Summons for Offender Under Supervision* (Dkt. No. 110). A judicial review hearing was scheduled for November 17, 2023.

On November 2, 2023, the Court ordered a warrant be issued for Mr. Van Haften's arrest due to concerning statements he made at Rock Valley Community Programs Inc., (RVCP) and concerns for public safety. Mr. Van Haften was arrested on November 3, 2023, and remained in custody until his judicial review hearing on November 17, 2023.

On November 17, 2023, a judicial review hearing was held to address the alleged violation of failing to attend a scheduled appointment to complete his psychiatric evaluation with Alay Psychiatry on July 5, 2023, and for the Court to consider a modification of Mr. Van Haften's special conditions of supervised release to include the addition of 365 days in a location monitoring program and submitting to periodic polygraph examinations. The Court held the matter open to allow Mr. Van Haften the opportunity to demonstrate compliance with supervision and a further hearing was scheduled for February 13, 2024. The Court ordered Mr. Van Haften to be released from custody on November 17, 2023, and his conditions of supervised release would be amended to include Special Conditions Nos. 21, 22, and 23.

PETITIONING THE COURT

☒ To consider the supplemental information at Mr. Van Haften's continued judicial review proceedings scheduled for February 13, 2024.

Supplemental Information: On November 17, 2023, Mr. Van Haften was released from custody and placed in the location monitoring program following his judicial review. Mr. Van Haften was re-referred for placement at RVCP, but a bed did not become available until December 11, 2023. Upon his release, Mr. Van Haften was temporarily residing at a hotel in Madison, Wisconsin. During this time, Mr. Van Haften was visiting the Islamic Center, actively seeking employment, and looking into housing options in the Madison area. He was also able to obtain a vehicle. Upon returning to RVCP, Mr. Van Haften was able to return to his previous employment at Monterey Mills in Janesville, Wisconsin. Mr. Van Haften has had one incident report since returning to RVCP. On January 29, 2024, Mr. Van Haften was observed in the community by an RVCP staff member getting out of a vehicle in downtown Janesville. The probation office reviewed his tracking points and he appeared to be inside of a bank in downtown Janesville. Mr. Van Haften received an incident report because he had not submitted a pass or been given permission to go to this location, as required by RVCP. The undersigned officer spoke with Mr. Van Haften's case manager at RVCP, who confirmed he has been following program rules aside from the one incident report and there have not been any concerning statements reported.

Upon returning to RVCP, Mr. Van Haften resumed his mental health treatment through Compass Behavioral Health Center. On January 26, 2023, the undersigned officer spoke with Mr. Van Haften's treatment provider, Mike Braun, to discuss his progress in treatment. Mr. Braun noted Mr. Van Haften is continuing to attend treatment sessions every other week and has participated in treatment appropriately. Mr. Braun notes Mr. Van Haften appears to be open in their meetings and is actively working to identify and work towards goals of gaining better employment and obtaining housing and rejoining the community in Madison. Mr. Braun denied that Mr. Van Haften has made any concerning statements in treatment sessions.

Mr. Van Haften has recently secured housing in the Madison area. On January 30, 2024, he attended an orientation session for housing at Nehemiah Sober Living and is scheduled to move in on February 9, 2024. Mr. Van Haften has also expressed interest in relocating to the District of Arizona to reside with his stepfather or the Middle District of Florida to reside with his grandmother. The probation office will continue to investigate these options.

On February 2, 2024, Mr. Van Haften participated in a polygraph examination conducted by Summit Polygraph in St. Paul, Minnesota. Mr. Van Haften was asked relevant questions on the polygraph pertaining to his compliance with his conditions of supervised release. The polygraph examiner evaluated Mr. Van Haften's responses to the questions and it was determined no deception was indicated.

Since being placed on location monitoring on November 17, 2023, Mr. Van Haften has complied with the requirements of the location monitoring program and has not had any instances of noncompliance regarding his GPS unit.

Since his judicial review, the probation office has continued to review Mr. Van Haften's cell phone monitoring software. Upon review, it appears Mr. Van Haften is still expressing his disinterest with being in the United States. It also appears he intends to schedule a virtual Nikah (marriage ceremony) with a woman he met online who resides in South Korea. Mr. Van Haften continues to view material that is flagged as concerning by the monitoring software. This includes listening to tracks on SoundCloud, viewing YouTube videos, and reading articles that may be a risk given his history. Mr. Van Haften has noted when he listens to nasheeds (a song without musical instruments with lyrics that resemble hymns) on SoundCloud he does not "coherently" know what they are saying as he does not speak Arabic fluently. The probation office has addressed this concern with Mr. Van Haften and has discussed how he should be aware of the content he is consuming online and who is creating the material.

Probation Officers Recommendation: It is respectfully recommended that this supplemental information be considered at Mr. Van Haften's upcoming judicial review hearing.

The U.S. Attorney Timothy O'Shea has been notified of this filing.

Penalties: The October 27, 2023, petition (*Dkt. No. 110*) provided the parties with the penalties and proposed conditions of supervision with justifications if another term of supervision is imposed. The additional information contained in this report does not change that advisal.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on February 9, 2024

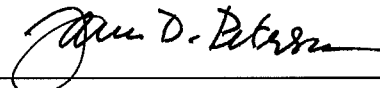
/s/

Brittany M. Schwonke
U.S. Probation Officer

THE COURT ORDERS:

☒ The supplemental information will be considered at Mr. Van Haften's continued judicial review hearing scheduled for February 13, 2024.

☐ Other:



Honorable James D. Peterson
U.S. District Judge



Date